

EXHIBIT 10

From: Taylor, Jarod G.
Sent: Sunday, April 11, 2021 9:11 PM
To: Patrick Ahern <patrick.ahern@ahernandassociatespc.com>
Cc: brobison@gibsondunn.com; Strang, Lindsey <lstrang@axinn.com>
Subject: RE: In re Pork Antitrust

Patrick:

Defendants view this issue as resolved. We reached agreement with Class Plaintiffs and Puerto Rico prior to the Court's deadline to resolve issues related to structured data, Winn-Dixie was party to those discussions, and the deadline to raise disagreements with the Court has now long passed. Defendants are of course willing to have a conversation to hear Winn-Dixie's position, but we intend to apply the existing agreement on Pork products to data productions to all Plaintiffs.

We are not available Monday, but can be available Tuesday between noon and 4:30 ET, Wed. between 11 and noon ET or between 2 and 3 ET, or Thursday after 11 ET.

Jarod

From: Taylor, Jarod G. <jtaylor@axinn.com>
Sent: Thursday, April 8, 2021 6:23 PM
To: Patrick Ahern <patrick.ahern@ahernandassociatespc.com>
Cc: brobison@gibsondunn.com; Strang, Lindsey <lstrang@axinn.com>
Subject: RE: In re Pork Antitrust

Patrick:

We will coordinate schedules and get back to you with a time to meet and confer.

Jarod

Jarod G. Taylor
Counsel

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From: Patrick Ahern <patrick.ahern@ahernandassociatespc.com>
Sent: Thursday, April 8, 2021 2:24 PM
To: Taylor, Jarod G. <jtaylor@axinn.com>
Cc: brobison@gibsondunn.com; Strang, Lindsey <lstrang@axinn.com>
Subject: RE: In re Pork Antitrust

Caution: External Email

Jarod, we disagree with Defendants' position. Let me know when you are available to meet and confer. We are available tomorrow and Monday.

Regards, Patrick

Patrick J. Ahern
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From: Taylor, Jarod G. <jtaylor@axinn.com>
Sent: Monday, April 5, 2021 7:25 PM
To: Patrick Ahern <patrick.ahern@ahernandassociatespc.com>
Cc: brobison@gibsondunn.com; Strang, Lindsey <lstrang@axinn.com>
Subject: RE: In re Pork Antitrust

Patrick:

Defendants cannot agree to include products that contain proteins or other ingredients other than pork in the definition of "Pork" for purposes of discovery. As you know, Defendants have been attempting to negotiate this issue with Plaintiffs, including Winn-Dixie, for more than a month. On March 19, each Defendant sent you, at your request, a list of categories of products so that you could identify products you believe fall within the definition of "Pork." On March 31, having received no response, Defendants first called and then emailed you asking again for your view on the scope of "Pork." Defendants did not receive a response from you until Good Friday, April 2, when you set out for the first time your clients' view of the scope of "Pork." The description of Pork proposed in your April 2 response does not comport with the actual allegations in Winn-Dixie's complaint. Multi-ingredient products like "breakfast sandwiches" are not "pig meat, . . . smoked ham, sausage, [or] bacon." (Compl. 1 fn.1.) Defendants thus intend to treat the definition of "Pork" for purposes of structured data and other discovery in line with the agreement on the definition of Pork reached with all other plaintiffs (all Class Plaintiffs and Puerto Rico), of which you were kept apprised in real time.

Thanks,
Jarod

Jarod G. Taylor
Counsel

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From: Patrick Ahern <patrick.ahern@ahernandassociatespc.com>
Sent: Friday, April 2, 2021 12:51 PM
To: Strang, Lindsey <lstrang@axinn.com>
Cc: Taylor, Jarod G. <jtaylor@axinn.com>; brobison@gibsondunn.com
Subject: RE: In re Pork Antitrust

Caution: External Email

Lindsey, here is our email regarding the definition of pork products. We start with the Class proposal:

- Renderings/Byproducts – products not used for human consumption (except lard), which are cooked for industrial/feed use, like blood meal, bone meal, and grease
- Offal/Variety Products – products removed from the carcass during the harvest and fabrication process, such as bones, fat, headmeat, and other organs (with the exceptions of feet and hearts)
- Franks – hot dogs and various types of franks that include non-pork meat
- Multi-ingredient products – such as breakfast sandwiches, burritos, and sausage tots

We agree to the first two bullet points, provided that it is clear that pigs feet are not excluded.

With respect to the third bullet, we would like to rephrase the third bullet to read “hot dogs and various types of franks that contain no pork.” This is because, while beef franks do not contain any pork, franks not advertised as beef franks contain pork. It is currently not possible to tell how much pork are in hot dogs not advertised as beef franks.

With respect to the final bullet point, we think that the amount of sausage in breakfast sandwiches is not trivial and is probably substantial, so we do not think that we can agree to exclude them. The same can be said for sausage tots or mini (or regular size) sausage rolls. Corn dogs and mini corn dogs contain beef, not pork, so they can be included. So, any multi-ingredient or further processed product with a non-trivial amount of pork cannot be excluded. At the end of the day, anything that contains a non-trivial amount of pork should be included and the experts will determine the effect of Defendants’ conduct on the price of the product. Finally, determining which multi-ingredient and/or further processed products are in or out should await a more fully developed discovery record.

Happy to discuss further.

Thanks, Patrick

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From: Strang, Lindsey <lstrang@axinn.com>
Sent: Wednesday, March 31, 2021 12:41 PM
To: Patrick Ahern <patrick.ahern@ahernandassociatespc.com>
Cc: Taylor, Jarod G. <jtaylor@axinn.com>
Subject: RE: In re Pork Antitrust - Tyson Pork Products

Dear Mr. Ahern:

I just tried giving you a call regarding the below. Can you let me know a good time to touch base on this? We are hoping to get your view on the appropriate product scope for structured data, which I can then relay to the rest of the defendants.

Would be great to talk today, if possible, given that Monday is the deadline to reach agreement.

Thanks,

Lindsey Strang
Associate

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From: Strang, Lindsey <lstrang@axinn.com>
Sent: Friday, March 19, 2021 10:54 AM
To: wjbruckner@locklaw.com; bdclark@locklaw.com; samorbey@locklaw.com;
aswagner@locklaw.com; emsipe@locklaw.com; sachen@locklaw.com; smowen@locklaw.com;

icbourne@locklaw.com; csdavis@locklaw.com; dwarshaw@pswlaw.com; bpouya@pswlaw.com; mweiner@pswlaw.com; mpearson@pswlaw.com; cpearson@pswlaw.com; tnolan@pswlaw.com; egrant@pswlaw.com; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; mlooby@gustafsongluek.com; bresch@gustafsongluek.com; mmorgan@gustafsongluek.com; steve@hbsslaw.com; breannav@hbsslaw.com; riop@hbsslaw.com; shanas@hbsslaw.com; sraiter@larsonking.com; kmccarthy@larsonking.com; jonc@cuneolaw.com; joel@cuneolaw.com; bfinley@cuneolaw.com; evelyn@cuneolaw.com; tschneider@schneiderwallace.com; pschneider@schneiderwallace.com; kbates@schneiderwallace.com; mweiler@schneiderwallace.com; Holleran, Keith J. <kholleran@axinn.com>; jorosa@justicia.pr.gov; patrick.ahern@ahernandassociatespc.com; theo.bell@ahernandassociatespc.com; patrick@ttlolaw.com
Cc: Rider, Tiffany <trider@axinn.com>; Taylor, Jarod G. <jtaylor@axinn.com>; Holleran, Keith J. <kholleran@axinn.com>

Subject: In re Pork Antitrust - Tyson Pork Products

Counsel:

To facilitate discussion on the scope of “Pork” products at issue in this case, Tyson provides the below information, as requested, on the high-level categories of products it produced during the putative Class Period as well as some examples of products within each category. The list reflects available information based on our reasonable investigation to date.

The primary “channels” Tyson sells into are 1) retail; 2) foodservice; 3) industrial (i.e., further processors); and 4) international. The majority of the categories of products listed below are sold (to varying extents) into each of these channels.

1. Fresh or Frozen Pork

- Primals (e.g., bellies, hams, loins, shoulders, jowls)
- Subprimals (e.g., ribs, blades, picnics, butts, shanks, centers, sirloins)
- Retail cuts (e.g., tenderloins, pork chops, pork steaks)
- Trim
- Ground pork

2. Fresh or Frozen “Value-Added” Pork

- Value-Added (e.g., trimmed/portion-cut, injected, marinated, seasoned, diced, smoked primals or subprimals, breaded)
- Case-Ready (vacuum-packed fresh/frozen retail cuts)

3. Further Processed Ham

- Smoked Ham (e.g., spiral-cut smoked ham, bone-in smoked ham, boneless smoked ham, hickory smoked, glazed, mini pit hams)
- Highly Processed Smoked Ham (e.g., ham patties, porkroll, Canadian bacon, fully-cooked maple & brown sugar glazed ham, pre-sliced deli/lunchmeat, pre-sliced and vacuum-packed or boxed deli/lunchmeat)
- Cooked Ham that is Not Smoked (e.g., certain lunchmeat products)

4. Bacon

- Uncooked Bacon (e.g., cured, uncured, specialty flavored, ends and pieces)
 - Cooked Bacon (e.g., fully cooked slices, fully cooked pieces/bits)
5. Sausage
- Uncooked Pork Sausage (e.g., loose, patties, links, roll sausage)
 - Cooked Pork Sausage (e.g., cooked patties, links)
 - Smoked Pork Sausage (e.g., andouille, kielbasa)
 - Cured Pork Sausage (e.g., salami)
6. Multi-Protein Products
- Uncooked (e.g., beef and pork blended trim)
 - Cooked (e.g., hot dogs, pepperoni, salami, bologna, meatballs, cocktail sausages)
7. Miscellaneous / Highly Processed Products
- Cooked Pork Products (e.g., fully cooked ribs, fully cooked boneless pork roast, sous vide pork belly, breaded pork patty, breaded pork steak, shredded pork, pork jerky, cooked pork loin)
 - Pizza Toppings (e.g., bacon crumbles, sausage crumbles, pepperoni, diced ham)
 - Multi-Ingredient Products (e.g., Jimmy Dean branded products such as breakfast sandwiches, burritos, breakfast cups, pancake and french toast casserole bites, egg and cheese sausage bites, sausage tots)
8. Miscellaneous / Non-Meat Products
- Offal/Variety Products (e.g., skin, organs, bones, mucosa, chitterlings, casings, head, feet)
 - Byproducts (e.g., lard, grease, bone meal, plasma, hides)

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Associate

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